



**IT IS HEREBY ADJUDGED and DECREED that the  
below described is SO ORDERED.**

**Dated: May 22, 2024.**

  
SHAD M. ROBINSON  
UNITED STATES BANKRUPTCY JUDGE

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**UNITED STATES BANKRUPTCY COURT  
Western District of Texas  
Austin Division**

**IN RE: ASTRALABS Inc , Debtor(s)**

**Case No.: 23-10164-smr**

**Chapter No.: 7**

***ORDER DISMISSING PLEADING (ECF NO. 435) FOR LACK OF COMPLIANCE  
WITH LOCAL RULES***

**Doc # 435 – Motion For Admission Pro Hac Vice filed by Gary M Kaplan for Creditor Fundamental Design Lab Inc (Attachments: # 1 Proposed Order)(Boyd, Laurie)**

**Upon consideration thereof, the court notes that the filing is deficient in the following respects:**

- The pleading does not include the signer's mailing address, telephone number and area code.
- The filing is not accompanied by the requisite form of notice.
- The Chapter 13 plan does not comply with Standing Order 17-02 which requires that the current District Form Chapter 13 plan be filed in all Chapter 13 cases with petition dates on and after November 1, 2017. **The debtor has seven (7) days from the date of this order to file a District Form Chapter 13 plan. Failure to comply may result in the case being dismissed without further notice.** The Standing Order and District Form Chapter 13 plan may be found at <http://www.txwb.uscourts.gov/official-forms-western-district-texas> .
- The Chapter 13 Plan must have an appropriate certificate of service, which lists each party served and its address.
- The pleading lacks the appropriate and/or no certificate of service per Local Rule 9013(c):
  - (1) The certificate of service must be signed by an attorney or party (if appearing without counsel), certifying that service has been accomplished in the manner and on the date stated in the certificate and upon the parties required to be served.
    - (2) The certificate of service must list each of the entities served and their addresses.
    - (3) With Court approval, a party may serve a summary of a pleading where the pleading is voluminous, or the number of parties to be served is excessively large. In such cases, the summary shall be filed, and the certificate of service shall be appended to the summary.
  - (4) No certificate of service.
  - (5) Service is insufficient on all required parties in accordance with Local Rule 9013(c).

- The filing states an incorrect time for notice to file objections, see Local Rule 9014(a) revised 11/1/2013.
- The filing states an incorrect time for notice to file objections, see Local Rule 4001(a)(2) regarding motions for relief from stay as revised 11/1/2013.
- The pleading lacks the appropriate certificate of conference pursuant to Local Rules 9014(e) and 9014(f).
- The pleading lacks the proposed form of order attached as an exhibit to the motion, see Local Rule 9013(b) revised 11/1/2013.
- The pleading lacks the separately uploaded proposed order, see Local Rule 9013(b) revised 11/1/2013.
- The Objection to Claim is not in compliance with the Standing Order Regarding Objections to Proofs of Claim.
- The filing is not in compliance with the current Official Bankruptcy Form(s).
- An objection to exemption must be served on all parties.
- The filer's signature on the pleading or certificate of service is incomplete and does not comply with the *Administrative Procedures for the Filing, Signing, and Verifying of Documents by Electronic Means in Texas Bankruptcy Courts*, Section III.B.1.(b).
- The pleading does not comply with the requirements for filing pleadings under the *Administrative Procedures for the Filing, Signing, and Verifying of Documents by Electronic Means in Texas Bankruptcy Courts*, Section III.B.2. Specifically, the pleading was improperly filed using the ECF login information assigned to another electronic filer who did not sign the Motion. The Administrative Procedures require that the signature on the filed document correspond to the Electronic Filer's ECF login/password or that of an authorized agent of the Electronic Filer.
- The document does not include a case caption as required by Fed. R. Bankr. P. 1005.
- LR 4001 (b) Motions for Extensions of Stay under § 362(c)(3)(B). A party in interest seeking relief under § 362(c)(3)(B) shall file a motion styled "Motion for Extension of Stay Pursuant to § 362(c)(3)(B)." If the motion is filed within 7 days after the petition was filed, the Court will set an expedited hearing and debtor's counsel shall give notice of the expedited hearing. If the motion is filed more than 7 days after the petition was filed, the motion must be accompanied by a separate motion for expedited hearing.
- The pleading requests multifarious relief and is hereby stricken pursuant to L. Rule 9013(a).
- Other(describe): The pleading was submitted in paper format. The Western District of Texas is a mandatory e-filing district. Pleadings must either be filed electronically or submitted along with a Motion to Allow Paper Filing.

The court concludes that the filing should be dismissed without prejudice to its refiling. So **ORDERED**.

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Notice Pg 3 of 5

United States Bankruptcy Court

Western District of Texas

In re:

ASTRALABS Inc

Debtor

Case No. 23-10164-smr

Chapter 7

District/off: 0542-1

User: admin

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Date Rcvd: May 22, 2024

Form ID: pdfintp

Total Noticed: 1

The following symbols are used throughout this certificate:

**Symbol****Definition**

- + Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

**Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 24, 2024:**

<b>Recip ID</b>	<b>Recipient Name and Address</b>
aty	+ Gary M Kaplan, Farella Braun + Martel LLC, One Bush St #900, San Francisco, CA 94104-4415

TOTAL: 1

**Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.**

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 24, 2024

Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 22, 2024 at the address(es) listed below:

Name	Email Address
Beverly Ann Bass	on behalf of Trustee Randolph N Osherow bbass@munsch.com
Cleveland R Burke	on behalf of Creditor Capitol Vending and Coffee Company cburke@velawood.com
Daniela Mondragon	on behalf of Creditor AFCO Credit Corporation dmondragon@reedsmith.com
Elizabeth Grace Smith	on behalf of Interested Party CatalystXL Inc. beth@egsmithlaw.com, maryann@egsmithlaw.com
Eric Terry	on behalf of Trustee Eric Terry eric@ericterrylaw.com ebterry@ecf.axosfs.com
Erin West	on behalf of Creditor SNFood & Beverage LLC ewest@gklaw.com kboucher@gklaw.com;skalscheur@gklaw.com

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United States Trustee - AU12

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TOTAL: 43